

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROEL LEMUS GARCIA and DIANA GUZMAN

Defendant.

8:16CR308

ORDER

This matter is before the court on Defendant Garcia's Unopposed Joint Motion to Modify Terms and Conditions of Release and to Continue Trial [61]. Counsel is seeking additional time for co-Defendant Guzman to evaluate health concerns and prepare for trial. Counsel also seeks to modify the conditions of release to allow husband and wife to have contact with each other. The motion is unopposed by the government. Defendant shall comply with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that Defendant Garcia's Unopposed Joint Motion to Modify Terms and Conditions of Release will be modified by further order of the court. The Defendant's Motion to Continue Trial [61] is granted as follows:

1. The jury trial, **as to both defendants**, now set for October 31, 2017 is continued to **January 9, 2018**.

2. The defendant shall file an affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.

3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 9, 2018** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

Dated this 20th day of October, 2017.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge